

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the)	
relation of the State Engineer,)	
and THE UNITED STATES OF)	
AMERICA,)	
)	
Plaintiffs,)	
)	
v.)	No. CIV 7941-BB
)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.)	
)	Section 4: Rio El Rito
Defendants)	
)	
)	

STATUS REPORT ON WATER ALLOCATION CUSTOMS IN SECTION 4

PURSUANT to the Special Master's *Scheduling Order for Further Proceedings* entered on December 4, 2006 (Docket No. 8505), the El Rito Community Ditch Association ("Association") and the State of New Mexico ("State") jointly submit the following Status Report:

1. On January 7, 1999, this Court entered an *Order Granting Joint Motion for Adoption and Entry of Stipulation and Settlement Agreement* (Docket No. 5838) between the State of New Mexico and the El Rito Community Ditch Association.¹ The Stipulation and Settlement Agreement, filed on September 17, 1998 stated in part: "The parties further stipulate and agree that to the extent that local or community customs have been incorporated into the bylaws of a community ditch and have for their object the economical use of water and are not detrimental to the public welfare, such rules shall govern the distribution of water from such ditches to the persons entitled to water therefrom."

2. On January 5, 2007, the Association submitted to the State a copy of the Association bylaws which incorporate the local water allocation customs within the community

¹ The Stipulation and Settlement Agreement also included thirty-seven community acequias that divert from the Rio Vallecitos, Rio Tusas and Rio Ojo Caliente in Section 2 of the Rio Chama adjudication suit

of El Rito. On January 23, 2007, the Association and the State met to discuss a procedure for moving forward.

3. The Association has informed the State that it will assume the burden of moving forward in this matter, and that it is ready to proceed.

4. The State has advised the Association that it requires additional information and documents, and time to review these materials.

5. The Association and the State are prepared to discuss their respective positions at the February 6, 2007 status conference.

Respectfully submitted,

/s/ Mary E. Humphrey
MARY E. HUMPHREY
Attorney for El Rito Community Ditch Association
P. O. Box 1574
El Prado, NM 87529-1574
(505) 758-2203

Telephonically approved 1/31/07
EDWARD G. NEWVILLE
Special Asst. Attorney General,
Attorney for State of New Mexico
P. O. Box 25102
Santa Fe, NM 87504-5102

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of January 2007, I filed the foregoing document electronically through the CM/ECF system.

/s/ Mary E. Humphrey